

U.S. Appl. No. 09/715,453
Amendment Dated June 9, 2004
Reply to Office Action of Mar. 9, 2004
Docket No. 6169-134

IBM Docket No. BOC9-1999-0074

REMARKS/ARGUMENTS

These remarks are submitted responsive to the office action dated March 9, 2004 (Office Action). As this response is timely filed within the three-month statutory period, neither an extension of time nor a fee is required.

In paragraphs 1 [sic] of the Office Action, the Examiner properly indicates that claims 1-26, and 32-52 are presently pending in the current application. Claims 27-31 and 53-58 have been withdrawn from consideration without prejudice. Withdrawal of claims 27-31 and 53-58 results from a restriction requirement set forth in a telephone conference with the Examiner on February 26, 2004.

In paragraphs 2-19 of the Office Action, the Examiner has objected to claims 1-3, 6-9, 13, 16, 18, 20, 22-26, 32-34, 37-40, 44, 47, 49, and 51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,230,168 to Unger (Unger). In paragraphs 20-23, the Examiner has rejected claims 4, 19, 35, and 50 under 35 U.S.C. § 103(a) as being unpatentable over Unger in view of Official Notice taken by the Examiner. Further, in paragraphs 24-33, the Examiner further rejects claims 5, 10-11, 36, and 41-42 under 35 U.S.C. § 103(a) as being unpatentable over Unger in view of U.S. Patent No. 6,486,892 to Stern (Stern). Additionally, in paragraphs 35-47, the Examiner rejects claims 12, 14-15, 17, 21, 43, 45-46, 48, and 52 under 35 U.S.C. § 103(a) as being unpatentable over Unger in view of Kee & Point (Keepoint).

In response, Applicants have amended claim 22 to clarify that the delayed viewing list is dynamically created responsive to user selections of hyperlinks that have been presented within the content browser, as stated at page 11, lines 16-18 of the Applicants' specification. No new matter has been added because of this amendment.

Prior to addressing the rejections on the art, a brief review of the Applicants' invention is in order. The subject matter of the present invention includes a method for caching hypermedia content so that delays attributable to content download times can be reduced and/or eliminated. More specifically, in one embodiment of the present invention, a user can identify hyperlinks in hypermedia content presented in a content browser. The hyperlinks can be identified during a content browsing session when the hyperlink content is presented on a display. The hyperlinks can point to hypermedia content which the user would like to browse at a later time. Notably,

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the hypermedia content to which the hyperlinks point can be cached for later browsing without relinquishing the view currently presented in the content browser. Furthermore, the desired hypermedia content can be downloaded during the content browser activity so that when the user decides to browse the cached hypermedia content, download delays can be avoided.

Turning to the rejections on the art, claims 1-3, 6-9, 13, 16, 18, 20, 22-26, 32-34, 37-40, 44, 47, 49, and 51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,230,168 to Unger. Unger discloses a method of establishing content-based collections of hypertext linked files. A content-based collection can be tailed for a target audience, as noted at column 1, lines 25-28. Unger teaches that a collection can be a single file or database that includes copies of all the related material, as noted at column 1, lines 52-54. That is, Unger teaches that hyperlinked content can be pregrouped into a collection by a content consolidator (called a user in Unger), where the collection can be presented to the targeted audience, as noted at column 2, lines 10-14 and at column 4, lines 21-29. Additionally, the organization of the collection can include search indices that assist in navigating through the collection, as noted at column 1, lines 56-58. For example, the search indices can be much like a table of contents, a figure of lists, and "back of the book" indices found in traditional printed material, as noted at column 1, lines 59-63.

Referring to claims 1 and 32, claims 1 and 32 explicitly include the steps of:

- presenting hypermedia content, said hypermedia content containing hyperlinks to additional hypermedia content;
- storing selected ones of said hyperlinks in a delayed viewing list; and
- caching hypermedia content associated with said stored hyperlinks during said presenting step.

According to the claim 1 and 32, hypermedia content is presented that contains hyperlinks. While the content is still presented, selected ones of the hyperlinks are stored and content associated with the hyperlinks is cached so as to avoid download delays.

For example, FIG. 1A shows that hypermedia content 142 from a hypermedia content server 122 accessed via a network 130 that can be presented to a user via a content browser 111 of a client computer 110, as described at page 10, line 13 to page 11, line 9. The hypermedia content 142 can include hyperlinks to other hypermedia content 147 and 149 from hypermedia content servers 127 and 129. While the hypermedia content 142 is presented upon the content

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browser 111, the hypermedia content 147 and 149 can be downloaded into the cache 116 of the client computer 110.

Unger fails to show the step of presenting hypermedia content, such as the presentation of content 142 within the content browser 111. Instead, Unger at column 1, lines 50-54 details that a set of linked material can be gathered within a single file, database, or other format. At column 2, lines 10-13 Unger teaches constructing a map of linked material for the collection. Further, Unger specifies that a proxy 84 of FIG. 11 and FIG. 13 can read a compiled file 52, as noted at column 12, line 44. The compiled file 52 results from a compilation process described in FIG. 8. Nowhere in this process, is a step taught where hypertext content is presented so that hyperlinks within hypermedia content can be selected for storage (please note that Applicants claim storing selected ones of said hyperlinks). The Examiner's cited reference to column 1, lines 50-54 and column 2, lines 10-13 describes the collection creation process that Unger teaches as occurring before presentation is possible.

To emphasize this, Unger teaches that files included within the collection are selected before collection creation (as noted at column 4, lines 22-24 "Prior to creation of the collection, the user must select which files to include"). The only display taught by Unger is display 76 that renders hypermedia content within a client browser 82. The client browser 82 receives content from the proxy 84. Unger specifies that a proxy 84 of FIG. 11 and FIG. 13 can read a compiled file 52, as noted at column 12, line 44. The compiled file 52 results from a compilation process described in FIG. 7 and FIG. 8. Consequently, Unger teaches that before presentation within a client browser 82 a collection (the compiled file 52) is required. The content of the compiled file 52 is fixed before presentation.

Accordingly, Unger does not permit the selection of hyperlinks within presented hypermedia content. Nor does Unger teach that selected ones of the hyperlinks can be stored, as claimed by the Applicants.

Further, Unger fails to teach the "caching of hypermedia content associated with said stored hyperlinks during said presenting step". It should be noted that the Examiner's cited references to column 2, lines 10-13, column 4, lines 18-29, and columns 7, lines 62-67, all relate to a processes relating to compiling of the compiled file 52 (see FIG. 7) that must occur before

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the client proxy 84 of FIG. 13 can interpret the compiled file 52 for presentation upon the display 76. Consequently, Unger does not anticipate claims 1 and/or 32 of the Applicants' invention. Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(e) rejections to claims 1-3, 6-9, 13, 16, 18, 20, 32-34, 37-40, 44, 47, 49, and 51 be withdrawn.

Referring to paragraph 15, claim 22 has been rejected under 35 U.S.C. § 102(e) as anticipated by Unger. Claim 22 states, however that the delayed viewing list is dynamically created responsive to user selections of hyperlinks that have been presented within the content browser, as stated at page 11, lines 16-18 of the Applicants' specification. Unger fails to include a delayed viewing list or any equivalent structure. A collection, as defined by Unger, is not dynamically created based upon displayed content. Indeed, according to Unger, a collection must be created before content can be presented, as shown in FIG. 7, FIG. 8, and FIG. 13. Accordingly, Unger does not anticipate claim 22. Applicants respectfully request that the 35 U.S.C. § 102(e) rejections to claims 22-26 be withdrawn.

Referring to paragraphs 20 – 47, Applicants assert that Unger and the subject matter of the present invention were commonly owned by International Business Machines Corporation (IBM) of Armonk, New York and/or subject to an obligation of assignment to IBM at the time the invention was made. Unger qualifies as prior art under § 102(e). Therefore, according to 35 U.S.C. § 103(c), Unger should not preclude patentability under 35 U.S.C. § 103. Consequently, § 103 rejections of claims 4-5, 10-12, 14-15, 17, 19, 21, 35-36, 41-43, 48, 50, and 52 based in part upon Unger should be withdrawn, which action is respectfully requested.

Referring further to paragraphs 20-23, the Examiner has rejected claims 4, 19, 35, and 50 under 35 U.S.C. § 103(a) as being unpatentable over Unger in view of Official Notice. Applicants, however, do not believe that the Officially Noticed assertions are capable of instant and unquestionable demonstration as being well-known, as required under MPEP 2144.03. Further, the Applicants do not believe that the Officially Noticed assertions are capable of such instant and unquestionable demonstration as to defy dispute, as required under In re Knapp Monarch Co., 296 F.2d 230.

Specifically, regarding claims 4 and 35 Unger teaches that collections are to be compiled into a compressed file 52 of a format shown in FIG. 7 that includes all related material, as

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indicated by column 1, lines 52-54. Media clips are often extremely large files. One of ordinary skill in the art would recognize that inclusion of media clips within the compressed file 52 can result in the file quickly becoming too large to efficiently handle the tasks indicated in FIG. 8. Consequently, adding movie clips in the manner suggested by the Examiner would not be a "notoriously well known" addition.

Regarding claims 19 and 50, Unger focuses upon the establishment of one or more content-based collections that can greatly improve the value of the information to a target audience, making the content of the collection easier and functionally richer to interact with, as noted at column 1, lines 25-28. The collection is established by a content distributor before the content can be viewed by the target audience. The target audience can use a content browser to interact with the collection, as shown in FIG. 13. The collection is defined in a unique format, as indicated by FIG. 7. Unger fails to indicate that members of a target audience should be permitted to make modification to the collection. Further, Unger fails to indicate that content browsers should be modified to permit the editing of the compressed file 52 shown in FIG. 7, which would be necessary to permit the hyperlinks within the compressed file 52 to be added to a list of content-browser bookmarks. Further, Unger fails to detail that a user of a content browser (a member of the target audience) can select hyperlinks in any fashion to construct a delayed viewing list. Consequently, permitting content browsers to select hyperlinks representing as of yet un-presented content to a list of bookmarks in the content browser in the manner suggested by the Examiner would not be a "notoriously well known" addition.

Applicants herein ask that the Examiner produce authority for the Officially Noticed assertions. Moreover, Applicants respectfully request that the Examiner withdraw the rejections to claims 4, 19, 35, and 50 based upon a lack of authority for the Officially Noticed assertions.

Referring to paragraphs 35-47, Applicants note that the Keepoint reference was visited on February 26, 2004. Applicants note that content of Web pages change dynamically and assert that there is no way for the Applicants to know whether Keepoint existed upon the filing date of the present application. Further, even if Keepoint existed in some form, there is no way for the Applicants to know whether the content contained in Keepoint at that time was the same as the content contained in Keepoint on February 26, 2004. Applicants point out that art cannot be

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relied upon to reject claims when the date of the referenced art cannot be ascertained. Consequently, Applicants presume that Keepoint does not pre-date the filing date of the present Application of November 17, 2000. Accordingly, the rejections to claims 4-5, 10-12, 14-15, 17, 19, 21, 35-36, 41-43, 48, 50, and 52 made in view of Keepoint should be withdrawn on the basis of Keepoint not pre-dating the present invention, which action is respectfully requested.

The Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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